

Remarks

Currently pending in the application are Claims 1-11. In view of the following remarks, Applicant respectfully requests reconsideration by the Examiner, and advancement of the application to allowance.

35 U.S.C. § 102

The Examiner rejected Claims 1-11 under 35 U.S.C. § 102 (b) as being anticipated by Maretti (U.S. Pat. No. 5,441,993).

To anticipate a claim, a reference must teach every element of the claim. *See MPEP § 2131; Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“the identical invention must be shown in as complete detail is as contained in the . . . claim.”).

Maretti does not expressly or inherently teach every element of each claim of the present invention. In particular, Maretti does not teach a process for preparing a flexible polyurethane foam by reacting an isocyanate reactive composition with a polyisocyanate-terminated prepolymer having an NCO value of 5-30% by weight as claimed in the present application. Therefore, Applicant respectfully requests the rejection of claims 1-11 under 35 U.S.C. § 102 (b) be withdrawn.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the application is now in condition for allowance, and respectfully request issuance of a Notice of Allowance directed towards the pending claims.

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Deposit Account No. 07-0153.

Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

Respectfully submitted,



Robert Holthus
Registration No. 50,347
Attorney for Applicants

Date: 9-13-04